IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 27146 of 2007(F)

PETITIONERS:

1. N.RAJAN NAIR,
   ASSISTANT MANAGER, KERALA STATE FINANCIAL
   ENGERPRISES LTD., KILIMANOOR BRANCH, TRIVANDRUM.

2. A.FOUSHUDEEN,
   ASSISTANT MANAGER,
   KERALA STATE FINANCIAL ENTERPRISES LTD.,
   VENJARAMOODU BRANCH, TRIVANDRUM.

3. A.NADARSHA,
   ASSISTANT MANAGER,
   KERALA STATE FINANCIAL ENTERPRISES LTD.,
   REGIONAL OFFICE, STATUE, TRIVANDRUM.

4. S.VENUGOPAL,
   ASSISTANT MANAGER,
   KERALA STATE FINANCIAL ENTERPRISES LTD.,
   PEROORKADA BRANCH, TRIVANDRUM.

BY ADVS. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI
& SRI.BRIJESH MOHAN

RESPONDENTS:

1. KERALA STATE FINANCIAL ENTERPRISES LTD.,
   REPRESENTED BY THE MANAGING DIRECTOR,
   CORPORATE OFFICE, 'BHADRATHA', TRICHUR-20.

2. UMMER.K., ASSISTANT MANAGER,
   KSFE, MEDICAL COLLEGE BRANCH, KOZHIKODE.

3. ANANTHAKRISHNAN E.A.,
   ASSISTANT MANAGER, KSFE, THALASSERY BRANCH,
   THALASSERY.

4. JACOB JOHN,
   ASSISTANT MANAGER, KSFE, KOLENCHERY BRANCH,
   KOLENCHERY, ERNAKULAM DISTRICT.

5. RAMA BHADRAN NAIR.V.,
ASSISTANT MANAGER, KSFE VARKALA BRANCH,
VARKALA P.O., TRIVANDRUM DISTRICT.

6. LATHA KUMARI T.K.,
ASSISTANT MANAGER, KSFE, PEROORKADA BRANCH,
AMBALAMUKKU, PEROORKADA, TRIANDRUM.

7. MANOJ KUMAR M.B.,
ASSISTANT MANAGER, KSFE, ALAPPUZHA IST BRANCH,
ALAPPUZHA.

8. ANITHA DAS V.S.,
ASSISTANT MANAGER, KSFE, MALAYINKIZHU BRANCH,
MALAYINKIZHU, TRIVANDRUM.

9. MOHAMMED ASHRAF.N.,
ASSISTANT MANAGER, KSFE, MANACAUD BRANCH,
MANACAUD P.O., KAMALESWARAM,
TRIVANDRUM.

10. THULASEEDHARAN.K.,
ASSISTANT MANAGER, KSFE LTD.,
SDT.RR, KSFE BUILDING, KOLLAM, CHINNAKKADA.

11. RAMESHAN K.V.,
ASSISTANT MANAGER, KSFE, THALIPARAMBA BRANCH,
THALIPARAMBA, KANNUR.

12. SUDHA.S.,
ASSISTANT MANAGER, KSFE, KILIKOLLUR, KARIKODE,
T.K.M.COLLEGE P.O., KOLLAM.

13. RAJI.C.,
ASSISTANT MANAGER, KSFE, THALAYOLAPARAMBU BRANCH,
THALAYOLAPARAMBU P.O., KOTTAYAM DISTRICT.

14. ANITHA KUMARI PILLAI K.G.,
ASSISTANT MANAGER, KSFE, KILIKOLLUR, KARIKODE,
T.K.M COLLEGE P.O., KOLLAM.

15. BIJIMOL.T.C.,
ASSISTANT MANAGER, KSFE, KURAVILANGAD BRANCH,
KURAVILANGAD P.O., KOTTAYAM.

16. SHAJAHAN.B.,
ASSISTANT MANAGER, KSFE, NEENDAKARA BRANCH,
CHAVARA P.O., KOLLAM.

17. PURUSHOTHAMAN PILLAI.T.,
ASSISTANT MANAGER, KSFE, HARIPAD BRANCH,
HARIPAD, ALAPPUZHA.

18. ELEZABETH E.U.,
ASSISTANT MANAGER, KSFE, ANGAMALI BRANCH,
ANGAMALI P.O., ERNAKULAM DISTRICT.

19. RAJEEVAN NAIR.V.,
ASSISTANT MANAGER, KSFE, KADAKKAVOOR BRANCH,
KADAKKAVOOR P.O., TRIVANDRUM DISTRICT.

20. RMAKUMARI AMMA P.D.,
ASSISTANT MANAGER, KSFE, KANJIRAMKULAM BRANCH,
KANJIRAMKULAM P.O., TRIVANDRUM DISTRICT.

21. SURESH KUMAR A.S.,
ASSISTANT MANAGER, KSFE,
THAMPANOOR EVENING BRANCHII, KOSALAM,
OPP.AYURVEDA COLLEGE, TRIVANDRUM.

22. SIVADASAN ASARI.V.,
ASSISTANT MANAGER, KSFE, VARKALA BRANCH,
VARKALA P.O., TRIVANDRUM DISTRICT.

23. JOSEPH S.M.,
ASSISTANT MANAGER, KSFE, KADAPAKKADA BRANCH,
KADAPAKADA, KOLLAM.

24. VIJAYAKUMARY.R.,
ASSISTANT MANAGER, KSFE, MAVELIKKARA BRANCH,
MAVELIKKARA.

25. SASIKUMAR.M.,
ASSISTANT MANAGER, KSFE, KATTAKKADA BRANCH,
KATTAKKADA P.O., TRIVANDRUM.

26. UNNIKRISHNA VARMA P.K.,
ASSISTANT MANAGER, KSFE, THIRUVALLA BRANCH,
THIRUVALLA P.O., PATHANAMTHITTA DISTRICT.

27. JOSE WILSON K.M.,
ASSISTANT MANAGER, KSFE, R.O. THRISSUR, IAD-8,
BHADRATHA, MUSEUM ROAD, THRISSUR-20.

28. GEORGE SEBASTIAN,
ASSISTANT MANAGER, KSFE, KALPETTA BRANCH,
KALPETTA, WAYANAD.

29. BHARATHY M.K.,
ASSISTANT MANAGER, KSFE, VAZHUTHACAUD BRANCH,
VAZHUTHACAUD P.O., THIRUVANANTHAPURAM.

30. SREEDHARAN.C-II,
ASSISTANT MANAGER, KSFE, THAMARASSERY BRANCH,
THAMARASSERY, KOZHIKODE.

31. NAPOLEAN.J.,
ASSISTANT MANAGER, KSFE, CHADAYAMANGALAM BRANCH,
CHADAYAMANGALAM P.O., KOLLAM DISTRICT.

32. POULOSE K.V.,
ASSISTANT MANAGER, KSFE, ALUVA BRANCH, ALUVA.

33. GEETHA KUMARI.B.I.,
ASSISTANT MANAGER, KSFE, PEROORKADA BRANCH,
AMBALAMUKKU, PEROORKADA, TRIVANDRUM.

R1 BY ADVS.SRI.JAYASHANKAR NAMBIER & A.M.SHAFFIQUE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C).No.27146 of 2007 F

Dated this the 20th day of September, 2007.

JUDGMENT

The challenge in this writ petition is against Ext.P2 list, published by the Kerala State Financial Enterprises, empanelling those candidates who came out successful in the written test as part of the selection for promotion to the post of Manager Grade IV. The petitioners find a place in Ext.P2 and therefore, challenge against Ext.P2 is to the limited extent of the respondents prescribing the period of validity of the list, viz., two years from the date of its enforcement, which is 24.07.2007. They also contend that notwithstanding the coming into force of Ext.P2 on 24.07.2007, persons who have been empanelled in Ext.P3 which came into force in 2005 are continued to be advised for appointment. The petitioners, therefore, contend that the decision for keeping Ext.P3 in operation and continue till such time the validity of Ext.P2 expires, thereby making their inclusion in Ext.P2 redundant and useless, is illegal and arbitrary.

2. I heard learned counsel Sri.Jaju Babu and Sri.Jayashankar Nambiar, learned counsel for the respondents, who submits, on instructions, that a revised procedure for promotion to

the post of Manager Grade IV came to be adopted consequent upon a implementation of a settlement adopted by the company as a matter of policy. According to him, a period of validity was not attributed to Ext.P3 and therefore, the respondents felt that it may not be proper to consider Ext.P3 as having become infructuous and inoperative merely by publication of Ext.P2. Since the period during which Ext.P3 will be operated has not been finally decided by the respondents, that will depend upon various circumstances including the number of vacancies which are to arise in future. Insofar as the prescription of validity of Ext.P2 is concerned, he points out that the management took a decision to keep alive Ext.P2 for a period of two years, essentially taking into account the necessity for revising the list of candidates eligible to be promoted to be post of Manager Grade IV from time to time. The prescription of a period of validity of the rank list is not dependent on any statutory instructions and the decision could possibly be changed, if the circumstances so permit.

3. In such circumstances, after hearing both sides, I am of the view that the respondents shall take into account the contentions raised by the petitioner as regards the validity of

Ext.P2 list being restricted to two years from 24.7.2007. To enable the respondents to do so, the petitioners may file a representation before the 1st respondent within a period of one month from today. On receipt of such representation, the first respondent shall consider the question of extending the period of validity of Ext.P2 list for such period as found suitable and appropriate. A representative of the petitioners and similarly situated persons may also be heard in this regard. A decision thereon shall be taken within three months from the receipt of such representation.

Writ petition is disposed of as above.

Sd/-

(V.GIRI)

JUDGE

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P.S. To Judge